

ISSUE DATE: October 18, 1999

DOCKET NO. P-442, 5321, 421/CI-97-381

ORDER DEFERRING ISSUES AND CLOSING DOCKET

BEFORE THE MINNESOTA PUBLIC UTILITIES COMMISSION

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Marshall Johnson
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Chair
Commissioner
Commissioner
Commissioner
Commissioner

In the Matter of AT&T, MCI metro, and USWC
Quality Standards and incentives of USWC
Interconnection With AT&T and MCI metro

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PROCEDURAL HISTORY

On December 2, 1996, the Commission issued its ORDER RESOLVING ARBITRATION ISSUES AND INITIATING A US WEST COST PROCEEDING in Docket Nos. P-442, 421/M-96-855; P-5321, 421/M-96-909 and P-3167, 421/M-96-729, the consolidated arbitration proceeding involving AT&T Communications of the Midwest (AT&T), MCI metro Access Transmission Services, Inc. (MCI m), MFS Communications Company and US West Communications, Inc. (USWC). In that Order, the Commission (among other things) directed the parties to incorporate the AT&T proposed quality standards and performance credits (direct measures of quality or DMOQs) into the USWC/AT&T and USWC/MCI m interconnection agreements.

On March 17, 1997, the Commission issued its ORDER RESOLVING ISSUES AFTER RECONSIDERATION AND APPROVING CONTRACT. While rejecting USWC's request for reconsideration, the Commission did modify certain DMOQs and performance penalties to conform to other provisions of the contract, Commission rules, the Commission's understanding of USWC's current practices and the Commission's judgement; and deleted standards that lacked sufficient basis in the record. The Commission also agreed with the Minnesota Department of Public Service (the Department) that the matter warranted further Commission attention. Therefore, the Commission opened the current case, Docket No. P-442,5321,421/CI-97-381, and directed the parties to file proposed measurable service quality standards that they believed necessary and to submit comments in response to the proposals of each other.

On August 2, 1999, the Commission issued a Notice of Additional Comment Period, requesting an update on the current status and any recommendations on Commission action prior to resolution of the third-party test of USWC's Operations Support Systems (OSS) by the Regional Oversight Committee (ROC).

On August 23, 1999, comments were received from the Department, USWC, and AT&T/MCI Worldcom (Joint Commenters). USWC and the Joint Commenters attached a Joint Statement of Positions (Performance Measurement Issues dated May 7, 1999) that they had previously filed with the Arizona Corporate Commission (Arizona Joint Filing). Both USWC and the Joint

Commenters also attached their separate filings to the Arizona Corporate Commission to their comments in this proceeding.

The Commission met on October 5, 1999 to consider this matter.

FINDINGS AND CONCLUSIONS

I. THE ISSUE

The issue before the Commission at this time is whether this docket should proceed independent of, concurrent with, or subsequent to the development of the third-party test of USWC's OSS by the Regional Oversight Committee (ROC).

II. THE PARTIES RECOMMENDATIONS

A. The Department

The Department recommended putting this docket on hold until the scope of the third-party testing process is finalized. Once a master test plan has been finalized and approved, the Department advised, the Commission may be in a better position to determine if some issues contained in this docket can be resolved independent of the third-party testing process.

B. Joint Commenters

The Joint Commenters believe that the major, unresolved performance standards issues that need resolution in the ROC proceeding will most likely be the same as the unresolved issues in this proceeding. According to the Joint Commenters, the disputed performance standards are of a nature that they should be resolved early in the ROC collaborative process and the OSS testing itself need not be completed before many, if not all, of the performance standards issues are resolved. The Joint Commenters recommended, therefore, that the Commission first give the ROC collaborative a chance to work, to wait and see if the disputed performance standards issues can be resolved through the ROC collaborative process.

C. USWC

Similarly, USWC stated that Commission resources would be inefficiently used by taking any further action on this matter at this time. USWC also argued that the DMOQs proposed by AT&T in 1996 (adopted in 1997 by the Commission) should be replaced with USWC's current, internal performance standards, standards which will presumably be evaluated in the ROC OSS test.

III. THE COMMISSION'S ANALYSIS AND ACTION

Having considered this matter carefully, the Commission finds it appropriate to close this docket at this time and proceed toward resolving the quality standards and incentives (DMOQ) issues in a new docket once the ROC collaborative OSS test plan has been completed.

The record in the current docket creates conditions ripe for confusion since the positions of the parties have evolved over the course of this proceeding and the parties' comments are often

responding to positions that may or may not reflect the current positions of other parties. Moreover, the positions of the parties will likely evolve further during the ROC collaborative OSS test process. Establishment of a new docket may serve to eliminate the potential for confusion. If parties wish, items in this record could be incorporated in the new docket by administrative notice. In the new docket, parties will be given the opportunity to formalize their positions and other interested parties will be given the opportunity to respond to the positions of the other parties.

The decision when to begin the new docket is a judgement call. The Commission has chosen to open the new docket as soon as the ROC collaborative OSS test plan has been completed rather than wait until the testing itself has been completed. The Commission believes that this choice is indicated by the desirability of resolving the DMOQ issues as expeditiously as possible. The Commission believes that the information available upon finalization of the test plan will provide an adequate basis for initiating the docket process.

ORDER

1. Docket No. P-442, 5321, 421/CI-97-381, the current docket, is hereby closed and the DMOQ issues pursued in that docket are deferred to a new docket as yet not opened.
2. Once the ROC collaborative OSS test plan has been formulated, a new docket shall be opened to process the DMOQ issues.
3. This Order shall become effective immediately.

BY ORDER OF THE COMMISSION

Burl W. Haar
Executive Secretary

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